

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

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|-----------------------------------|---|-------------------------|
| In re: |) | CHAPTER 11 |
| |) | (Jointly Administered) |
| W.R. GRACE & CO., <i>et al.</i> , |) | |
| |) | Case No. 01-01139 (JKF) |
| Debtors. |) | |
| _____ |) | Re: Docket No. 21379 |

STATEMENT OF ISSUES TO BE PRESENTED ON APPEAL

Pursuant to Rule 8006, Fed.R.Bankr.P., Claimant Anderson Memorial Hospital (Claim Nos . 9911 and 9914) respectfully submits its Statement of Issues to Be Presented on Appeal.

Statement of Issues to Be Presented

A. Whether the Bankruptcy Court erred in denying Anderson Memorial Hospital's Motion for Class Certification.

B. Whether the Bankruptcy Court erred in refusing to recognize the pre-petition Certification Order of the South Carolina Circuit Court, entered after nine years of pre-petition litigation, which certified a statewide class of asbestos property damage claimants against W.R. Grace & Co.

C. Whether the Bankruptcy Court erred in refusing to recognize the class proofs of claim filed by Anderson Memorial Hospital.

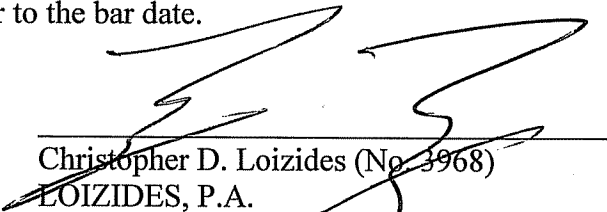
D. Whether the Bankruptcy Court erred in retrospectively finding that the Court had ordered class representatives to seek permission prior to filing a class proof of claim where there is no support for such a requirement in law or the bankruptcy rules and where the written orders of the court and subsequent hearings clearly demonstrate that no such requirement was ever made part of a Court Order.

E. Whether the Bankruptcy Court erred in denying class certification without ruling on the admissibility of evidence of numerosity or allowing that evidence to be proffered by Appellants.

F. Whether the Bankruptcy Court erred in finding on the one hand that it would be unreasonable to require debtors' to mail direct notice of the bar date for filing asbestos property damage claims to the address of all buildings containing the Debtors' asbestos-containing products, while on the other hand, refusing to allow the class representative to conduct discovery regarding the debtor's knowledge of its own sales records and ability to provide direct notice.

G. Whether the Bankruptcy Court erred in finding that the only class members who could be considered under the numerosity requirement of Rule 23, F.R.C.P where those who had filed an authorized individual proof of claim prior to the bar date.

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